

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2370 – SB 2424

March 29, 2016

SUMMARY OF ORIGINAL BILL: Creates a new Class E felony for any assault committed against a law enforcement officer, correctional officer, guard, jailer, or other full-time employee of a penal institution, local jail, or workhouse, or a healthcare provider acting in the discharge of the provider's duty. Repeals the \$5,000 enhanced fine for assaults committed against a law enforcement officer or healthcare provider.

Increases the fine for aggravated assault committed against a correctional officer, guard, jailer, or other full-time employee of a penal institution, local jail, or workhouse to a maximum of \$15,000.

Requires the Department of Correction (DOC) to submit a report by the 13th day of each month to the chairs of the State and Local Government Committee of the Senate, the State Government Committee of the House of Representatives, the Local Government Committee of the House of Representatives, the Judiciary Committee of the Senate, the Criminal Justice Committee of the House of Representatives, the Speaker of the Senate, the Speaker of the House of Representatives, and the Comptroller of the Treasury detailing (1) the number of assaults occurring in each correctional facility during the preceding month and (2) the training plans implemented during the preceding month for any staff involved in an assault and a description of the training plans that will be offered during the following month to decrease the number of assaults.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$3,782,000/Incarceration*

SUMMARY OF AMENDMENT (014901): Deletes all language after the enacting clause and rewrites the bill to (1) remove the felony enhancement for assaults committed against a law enforcement officer, correctional officer, guard, jailer, or other full-time employee of a penal institution, local jail, or workhouse, or a healthcare provider acting in the discharge of the provider's duty, (2) remove the required monthly reporting by the DOC to the General Assembly regarding the number of assaults occurring in each correctional facility during the preceding month, and (3) adds a requirement that the DOC report any conduct by an inmate that constitutes assault under Tenn. Code Ann. § 39-13-101(a)(1) to the appropriate district attorney general for prosecution.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- It is assumed that repealing the enhanced fine for assaults committed against a law enforcement officer or healthcare provider will not significantly decrease state revenue.
- Assault committed against a correctional officer is already an offense. It is assumed that requiring the DOC to report such incidents will not significantly impact state or local incarceration costs.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm